

# Handy & Harman

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August 8, 1990

Ms. Paula Lia Fitzsimmons  
Remedial Project Manager  
USEPA, Region 1  
J.F. Kennedy Federal Building  
HRS-CAN3  
Boston, MA 02203-2211

SHPACK  
11776

Re: Shpack Landfill Site  
Norton and Attleboro, Massachusetts

Dear Paula:

This letter, presented on behalf of the potentially responsible parties identified below, responds to the EPA special notice letter dated June 7, 1990, and is to request a thirty day extension of the good faith negotiation period, until September 10, 1990. On August 27, 1990, we will supplement and complete the good faith offer presented in this letter to perform the remedial investigation and feasibility study (RI/FS).

As you know, many of the PRPs received no communication from the Environmental Protection Agency prior to the special notice letter. Many corporate parties notified by EPA are successors to the alleged waste disposers, with legal and factual questions regarding their connection to the site and liability for its environmental condition. As set forth in Pat Truscelli's letter of July 20, 1990, our inability to obtain documents or other information has made group coordination difficult. The acknowledged need for coordination with the Department of Energy, and the involvement of municipalities as potentially responsible parties, have made the development of an offer on short notice impossible. Since receipt of the special notice letter, the PRPs have made great efforts and expended considerable resources to accomplish the following:

A. Meetings in Boston on June 29, July 13, and August 6, 1990, with EPA and Massachusetts DEP and among the PRPs. Note that PRP representatives have attended from California, Texas, Colorado, Connecticut, New York, and Rhode Island as well as from Massachusetts.

B. Meeting in Washington, DC on July 25, 1990 and in Boston on August 6, 1990 with DOE representatives.

C. Extended conference calls among PRPs on July 9, July 26, and August 7, 1990.

D. Review of hundreds of pages of reports and correspondence regarding past activity at the site, and preparation of a document index.

RELEASED  
Date: 8/27/91  
By: P. Shields

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E. Preparation of a draft PRP Group Agreement, review and comment of the draft, and revision to a form to be submitted for party authorization.

F. Designation of PRP Group co-chairmen, Richard Joosten and Pat Truscelli, and creation of Technical and Steering Committees.

G. Allocation, on a preliminary basis, of the projected cost of an RI/FS.

Consequent to such efforts we hereby make the following good faith offer:

1. Statement of Willingness. The potentially responsible parties identified below, working together as an organized group, are willing to conduct an RI/FS that is consistent with EPA's Statement of Work, draft Administrative Order, and draft Administrative Agreement.<sup>1</sup>

2. Paragraph-by-paragraph Response to EPA Proposals. The PRPs have requested Dr. Linda Wennerberg of Arthur D. Little to assist in preparation of a response to the EPA's Statement of Work, draft Administrative Order, and draft Administrative Agreement. We will submit such response on August 27.

3. Demonstration of Technical Capability. As set forth above, the PRPs have contracted with Dr. Wennerberg to provide expert technical assistance. Dr. Wennerberg has particular expertise in radiological contamination and in dealing with the Department of Energy, areas of concern and complexity at the Shpack Site. The Technical Committee is preparing to entertain bids to employ an experienced environmental consulting firm to conduct the RI/FS.

4. Demonstration of Financial Capability. The PRPs identified below include the following Fortune 500 companies: Texas Instruments, Conoco, Chevron and Handy & Harman. Each of these companies has the financial capability to conduct the RI/FS at the Shpack Site.

5. Statement of Willingness to Reimburse EPA. The PRPs recognize that EPA's response costs, reasonable and consistent with the NCP, are obligations of responsible parties under CERCLA. We

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<sup>1</sup> Both the Town of Norton and the City of Attleboro are pursuing authorization to participate. The two municipalities should not at this point be considered recalcitrant.

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believe, however, that it would be appropriate and equitable for EPA to seek recovery of those costs from recalcitrant parties at this site.

6. PRP Representatives. The Shpack Group Steering Committee is co-chaired by:

Richard L. Joosten  
Corporate Counsel  
Texas Instruments, Inc.  
PO Box 655474  
Dallas, TX 75265

TEL: 214-995-5282  
FAX: 214-995-3511

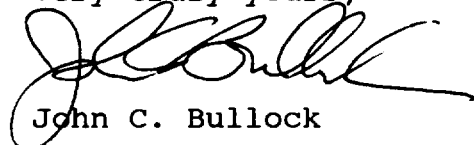
Patricia L. Truscelli  
Parker, Chapin, Flattau & Klimpl  
1211 Avenue of the Americas  
New York, NY 10036

TEL: 212-704-6315  
FAX: 212-704-6288

Of course, this letter is submitted for settlement purposes only, and does not constitute an admission for any purpose or waive any defenses of the parties.

As must be clear, the identified PRPs have invested considerable time, effort and resources, and are very interested in performing the RI/FS at this site. Our continued efforts will result in presentation of a supplement to this offer on August 27. Accordingly we request the time to complete our efforts and negotiate an agreement with the agency.

Very truly yours,



John C. Bullock

cc: Andrew Raubvogel

Participating PRPs:  
Conoco Inc.  
Handy & Harman  
Kewanee Industries Inc. / Chevron Corporation  
Town of Norton  
Swank Inc.  
Texas Instruments Incorporated